

6.0 COORDINATION

The proposed project has been coordinated with USFWS, NMFS, USEPA, MDNR, Maryland Department of Transportation, MDE, MPA, Maryland Housing and Community Development, Maryland Economic and Employment Development, and MHT. A Public Notice dated June 3, 1996 was distributed to interested persons and organizations, and letters were sent to the environmental agencies on June 3, 1996. Copies of environmental coordination correspondence and the public notice are included in Appendix I. A second public notice was issued on February 18, 2000 and letters were sent to the environmental agencies on March 14, 2000. Responses to the notice and letters are also included in Appendix I. A public information workshop was held on April 27, 2000. The transcripts of the public comments from the April 27, 2000 Workshop are included in Appendix VI. The Proposed New Work Dredging Baltimore Harbor and Channels, Maryland and Virginia Straightening of the Tolchester Channel S-Turn, Maryland Draft Environmental Assessment and Draft Finding of No Significant Impact was made available to the public on October 17, 2000. Comments on the draft report are included in Appendix I. The major concerns expressed by agencies and the public are summarized below:

6.1 INITIAL COORDINATION (1992–1996)

Adrian Teal, Port of Baltimore

1/29/92 Letter

Comment

In recent months, the Maryland Port Administration has developed an Action Plan for improving the channel systems serving the Port of Baltimore. This Plan focuses on improvements identified by the Association of Maryland Pilots and a survey of shipping lines as important to maintaining acceptable levels of safety and navigability in Baltimore channels, now and in the future. Implementation of this plan will require close coordination and cooperation between the MPA, the Baltimore and Philadelphia Districts of the USACE, the AMP, and the U.S. Coast Guard.

Response

The Corps has reviewed the Action Plan and is fully aware of the Maryland Port Administration's concerns. The District has in the past and will continue to coordinate with the MPA, the Philadelphia District, the AMP, and the USCG with respect to this project.

Comment

It is my understanding that these projects (straightening the Tolchester S-Turn, etc.) can be done through routine operations and maintenance by the Corps, and do not have to have Congressional authorization. I would appreciate your office looking into these projects to determine when they can be completed through the Corps' routine maintenance operations.

Response

The Corps reviewed the MPA Action Plan and took appropriate action on the projects (see response below).

Capt. Michael R. Watson, Association of Maryland Pilots,

6/6/94 Letter

Comment

We are requesting immediate action and your support on the following items: (1) Tolchester Channel straightening, (2) Brewerton Channel Eastern Extension widening, and (3) Poplar Island Beneficial Use Project for the placement of dredged materials. These projects are of high priority and address the navigational needs of vessels calling at the port, as well as the long term need for dredging.

Response

A Limited Re-evaluation Report for the Brewerton Channel Eastern Extension was finalized in August 1997. Dredging is scheduled to be initiated in April 2001 and completed by July 2001.

The District completed feasibility studies for the Poplar Island Environmental Restoration Project in February 1996. Construction of Phase I was initiated in May 1998 and was completed in March 2000. Phase II was initiated in July 2000 and is scheduled for completion in November 2001.

The District performed a Navigation Assessment Report for the Tolchester Channel S-Turn straightening project in April 1997. The Water Resources Development Act of 1999 authorized straightening of the S-Turn. This Environmental Assessment addresses these concerns as part of the NEPA requirements for the proposed project.

Comment

Besides the commercial benefits to accrue to the port of Baltimore, we are entrusted to provide a safe and environmentally responsible transportation system. The “S” turn in Tolchester Channel presents one of the most difficult navigational challenges to a large ship within the Fifth Coast Guard District. With the “S” turn removed, and a range installed to mark the centerline, we will jointly assure waterway users that the waterways of our respective regions provide the best year-round service available to promote United States’ competitiveness. To this end I support your efforts to gain authority for improving the Tolchester Channel.

Response

This EA specifically addresses the safety issues raised and provides the required supporting information.

Maryland Historic Trust (MHT)

6/27/96

Comment

The project has been found to represent an insignificant threat to submerged cultural resources to necessitate an archaeological investigation. MHT requests that if any archaeological material is found during excavation, their staff be notified and given access to the materials to evaluate them.

Response

Acknowledged. The Baltimore District will alert the dredging contractors to be on alert for any archaeological materials and to alert the MHT in the event that any are found.

Comment

EPA has indicated that the Tolchester Channel is far removed from known sources of contamination such that with verification, the material could be used for beneficial use, thereby saving capacity at HMI. EPA also indicated that if some of the material is too fine for sand dikes or beach replenishment, the material could be used for placement in geotextile tubes.

Response

At the time of the first Public Notice for the proposed straightening of the Tolchester Channel S-Turn, MPA had not received the necessary permits to raise the dikes at HMI to 44 feet, adding to site capacity. The site now has sufficient capacity for the proposed channel realignment and other dredging, although use of the existing capacity of the site is not warranted. An analysis of sediments from the proposed realignment of the Tolchester Channel S-Turn indicates that the material need not be placed in a site for contaminated material. The local sponsor has selected HMI and Poplar Island because they are the only sites that will be available. The difficulty in using the Tolchester material for beneficial use and in geotextile tubes is not contamination but the material's fine-grained characteristics. The material is proposed for placement at Poplar Island, which is a beneficial use of the material. See Appendix 5 for information on sediments.

National Marine Fisheries Service (NMFS)

7/11/96

Comment

NMFS has stated that it has no objection to the proposed channel realignment but is concerned because HMI is designated as the placement site. NMFS's concern is that "the loss of HMI capacity means that a substitute containment facility must be quickly identified and constructed, and it is likely that additional aquatic habitat will be displaced as a result of the new material." NMFS has indicated that the material in the realigned channel will contain a high fraction of coarse-grained material, and will be suitable for a variety of alternatives within the aquatic environment.

Response

Baltimore District shares NMFS's concern regarding the efficient use of HMI as a containment facility. However, MPA has since raised the HMI North Cell dikes to provide an additional 30 million cubic yards capacity and Phase I of the Poplar Island site has been constructed. Baltimore District concurs that the material from the Tolchester Channel S-Turn is suitable for beneficial use and proposes to place the material at Poplar Island, which is a beneficial use. However, sampling of the material to be dredged indicates it is fine-grained in nature, which restricts its application to non-structural uses. (See EPA comment above.)

Comment

The Tolchester Channel S-Turn project is a channel improvement as opposed to maintenance activities necessary for maintaining channel use. Construction could be postponed until an appropriate fish enhancement or other in-water use has been identified and is ready for implementation.

Response

Baltimore District does not concur that the realignment of the Tolchester Channel S-Turn could be delayed. The proposed dredging is necessary to improve navigation safety and support shipping activities at the Port of Baltimore. HMI and Poplar Island now have adequate placement capacity to contain the material.

U.S. Fish and Wildlife Service (USFWS)

7/9/96

Comment

USFWS expressed concern that in 1995 and 1996, MDNR indicated the presence of concentrations of juvenile blue crabs near the salt wedge in the project area during the fall and spring and expressed concern about the impacts of the proposed channel straightening on salinity.

Response

Baltimore District reviewed these findings. In the fall of 1995 and spring of 1996, juvenile crabs were unusually abundant within the turbidity maximum zone of the upper Bay. The Tolchester Channel S-Turn falls within this zone. Review of ongoing Chesapeake Biological Laboratory investigations on this subject revealed that juvenile crabs do occur within the turbidity maximum zone, but the abundance there in 1995 and 1996 was unusually high. In normal years, juvenile crab abundance is much lower in this zone and much higher below the Chesapeake Bay Bridge. Initial dredging and future maintenance dredging will be scheduled from October 1 through March 31. This window overlaps with the fall period when juvenile crabs would be expected to be present.

Baltimore District will take action to avoid significant impacts by restricting dredging in critical areas and at critical times. All dredging and placement would meet the requirements in the water quality certificate that will be issued by MDE for this project. Based on the hydrodynamic modeling performed by the WES, no significant impacts are expected on salinity in the upper Chesapeake Bay.

Maryland Department of the Environment (MDE) 7/23/96

Comment

MDE has a concern about the availability of HMI and whether the dikes will be raised in time to accept material from the Tolchester Channel S-Turn. MDE requests that Baltimore District coordinate with MPA and MES to maximize the capacity of available placement sites.

Response

MPA completed raising of the HMI North Cell dikes to 44 feet in August 1997. Although HMI is available to accept material from the proposed widening of the Tolchester Channel S-Turn, Poplar Island is the preferred option for the straightening of the S-Turn. However, once the S-Turn is straightened, maintenance material may go to Poplar Island, HMI, or another approved site. Baltimore District will continue to coordinate with MPA, MES, MDE, and other agencies to ensure efficient utilization of placement areas.

Maryland Department of Natural Resources (MDNR)

7/8/96

Comment

MDNR recommends that dredging not occur in the fall until November 1 and cease by March 31 to avoid impacts to sportsfishing.

Response

Baltimore District will try to schedule dredging operations to avoid impacting sportsfishing activities. However, due to the volume of material that must be dredged, initial dredging and future maintenance dredging may start as early as October 1 and continue as late as March 31.

Capt. Herbert Groh, Baltimore, MD

8/25/97 Letter

Comment

What the proposed Tolchester Channel dredging and straightening would mean to the pilot or vessel watch officers, who transit this critical area and are responsible for the safe piloting, navigation, and ship handling in restricted waterways, would be to reduce the existing high risk area to an average risk.

I cannot think of any waterway channel that needs dredging and straightening “attention now” more than this critical area. I support the Tolchester Channel dredging project.

Response

This EA addresses the issues raised. Both the Association of Maryland Pilots and the USCG, Fifth District have voiced concerns related to the navigational challenges of the S-Turn. The straightening of the Tolchester Channel S-Turn is based upon safety considerations related to existing and future shipping through the channel.

Roger T. Rufe, Jr., U.S. Coast Guard

7/14/98 Letter

Comment

The Coast Guard previously recommended straightening the “S” turn. Merchant pilots have reported that several near misses involving merchant vessels have occurred during the transiting of the Tolchester Channel. With increases in vessel size, the severity of the turns has caused difficulty with maneuvering. The Coast Guard would prefer to be proactive in preventing any potential, serious mishaps. The removal of the “S” curve in the Tolchester Channel would be a significant step.

Response

This EA specifically addresses the safety issues raised in the letter and provides the required supporting information.

6.2 RESPONSES TO THE FEBRUARY 2000 PUBLIC NOTICE

William Moulden, Sherwood Forest, MD

2/18/00 Letter

Comment

Advocates the reuse of dredged material to build up Bay island shorelines.

Response

The District considers beach nourishment projects when grain sizes are appropriate for the habitat. The material is too fine for building shorelines without some form of containment, and is currently proposed for the restoration of Poplar Island.

Capt. Skip Slomski, Upper Bay Charter Captains Association

2/21/00 Letter

Comment

a) Concern for disruption of commercial fishing; b) Request for delay of dredging until November; c) Request for advance notification of meetings.

Response

Dredging will not be permitted to start until at least October 1 and will be required to be complete by March 31 in order to minimize impacts to commercial and recreational fishing. Disruptions to potential fishing activities are expected to be short-term and temporary. Advance notification was provided for the public information workshop.

Larry Simms, Maryland Watermen's Association

2/22/00 Letter

Comment

a) Choice of Poplar Island for dredged material needs reconsideration; b) Impact on Hodges Bar needs study; c) Before undertaking more dredging, wait for results of Site 104 impact studies to see where current dredging spoil can be sited.

Response

Sediment studies conducted indicate the dredged material from the straightening is suitable for Poplar Island. Impacts to Hodges Bar have been evaluated. Gov. Glendening withdrew Site 104 as a potential placement site in June 2000.

Comment

a) Future Port of Baltimore traffic is overestimated; b) Container ships are shifting to Cape Henry route because it is cheaper than Canal route; c) Cost estimates are based on outdated (1994) costs of transporting dredged material to Hart-Miller Island, 22.5 miles closer than Poplar Island; d) Perceived time savings were valued using “fixed costs” rather than “variable costs;” e) Benefits summarized in Table 8, Appendix F, are based on annual vessel transits, not number of transits in 73-day simulation period; f) Future maintenance dredging material will need another approved site; g) Nitrogen and phosphorus releases from dredging or placement sites have not been considered; h) Characterization of sediment toxicity is not explicit enough; i) Impact on salinity and hydrologic patterns in the Upper Bay has not been characterized.

Response

Comments a through e pertain to the Brewerton Channel Eastern Extensions and do not pertain to the Tolchester S-Turn straightening. Future maintenance dredging is planned for either Poplar Island or Hart-Miller Island until capacity of the sites is exhausted or another suitable site becomes available. Nitrogen and phosphorus releases are addressed in the EA. Sediment toxicity and water quality information are also addressed in the EA. Hydrodynamic modeling of the proposed work indicates that there will be no significant impact to salinity or hydrologic patterns in the upper Bay.

The straightening of the Tolchester Channel S-Turn is based upon safety considerations related to existing and future shipping through the channel and is not based upon economic factors. The Tolchester Channel S-Turn straightening is not economically justified (benefit to cost ratio is less than 1:1). However, Congress has directed the Corps of Engineers to straighten the S-Turn.

Laurence Thomas, MD. and Upper Bay Charter Boat Assoc.

3/11/00 Letter

Comment

a) Request for public hearing on proposed dredging; b) Request for delay of dredging until after striped bass fishing season, which ends November 31st; c) Dredging would disturb striped bass migration up the Bay.

Response

A public information workshop was held on April 27, 2000. Initial dredging to straighten the S-Turn and future maintenance dredging will be scheduled between October 1 and March 31 to avoid most of the striped bass fishing season.

James W. Jacquette, Jr., Kent County Waterman's Association Undated

Comment

Explanation of Association's opposition to dredging: a) Dredging area is in prime crabbing and fishing grounds; b) Impact on existing oyster bars has not been studied; c) Deepened channel may affect tide flow; d) Ships will speed through improved channel; e) There is a need for a public hearing.

Response

Dredging will be conducted between October 1 and March 31 to avoid most crabbing and fishing activities. Potential effects to oyster bars are addressed in the EA. Modeling studies indicated that there would be no significant change in hydrodynamics or tidal currents at existing oyster bars. The AMP indicated that vessel speeds will not increase in the straightened S-Turn. A public information workshop was held on April 27, 2000.

Capt. Russ Green, Upper Bay Charter Captains' Association 3/13/00 Letter

Comment

a) Concern for damage to fishing environment and aquatic vegetation at Swan Point and Gails Shoal areas; b) Request for public meeting to discuss this.

Response

Hydrodynamic modeling indicates that there will be no significant alteration of currents to Gales Lumps or Swan Point that would alter the fish habitat at Gales Lumps or the SAV at Swan Point. The nearest SAV (east of Swan Point) is over 3 miles from the dredging site and no significant impacts are anticipated. A public information workshop was held on April 27, 2000.

Comment

a) Request for public hearing on proposed dredging; b) Proposed new channel will direct currents away from—and may create silting problem at—Hodges Oyster Bar; c) Future dredging for Channel upkeep will further endanger Hodges Bar; d) The use of Poplar Island for dumping dredged material should be examined as extensively as was done for Site 104; e) Existing natural channel protects Hodges Bar.

Response

Hydrodynamic modeling indicates only minimal current changes on Hodges Oyster Bar (Section 4.1.5.4). Maintenance of the realigned channel would be farther removed from the Hodges Oyster Bar and would have less potential for siltation on the oyster bar than maintenance of the existing S-Turn. Dredged material from the project was evaluated and found to be suitable for placement at the Poplar Island Environmental Restoration Project. A public information workshop was held on April 27, 2000.

Capt. Richard Manley, Traveler II Charters

3/15/00 Letter

Comment

Concern for disruption of charter fishing; request for public hearing.

Response

A public information workshop was held on April 27, 2000. Initial dredging to straighten the S-Turn and future maintenance dredging will be scheduled from October 1 to March 31 to avoid most of the striped bass season.

Theresa Pierno, Chesapeake Bay Foundation; Susan Brown, Maryland League of Conservative Voters; Mildred Kriemelmeyer, Maryland Conservation Council; Mary Marsh, Sierra Club-Maryland Chapter; Jan Graham, Haztrak Coalition, Inc.; Wayne A. Beale, Citizens Against Open Bay Dumping 3/17/00 Letter

Comment

Concerned by the recent public notice detailing the intent of the Corps of Engineers to proceed with the proposed new work dredging projects in the Brewerton and Tolchester Channels in the Chesapeake Bay. Concern stems from the disconnect between these two proposed dredging projects and adequate environmentally sound dredged material disposal capacity.

Public Notice OP-00-1 states that the dredged material for these two new projects would be placed at either Poplar Island or Hart-Miller Island. The Corps' public notice appears to overlook that placing new work materials at these sites means replacing maintenance work capacity with new work sediment. Disregard for the more expensive confined disposal capacity will likely lead to future capacity shortfalls and the initiation of more 'short-term' open water sites.

Questions whether assessments of nitrogen and phosphorus release have been made, and whether the cumulative impacts of such releases during the summer and fall months have been considered.

Response

Since open water placement at Site 104 has been prohibited by the Governor's decision in June 2000, dredged material from the Tolchester Channel S-Turn straightening project must go to existing placement sites. HMI and Poplar Island were constructed to contain dredged material from new work and maintenance dredging projects. Investigations to identify additional placement sites are ongoing. The Tolchester project is essential to minimize safety issues. Both the Association of Maryland Pilots and the USCG, Fifth District have voiced serious concerns related to the navigational challenges of the S-Turn. The straightening of the Tolchester Channel S-Turn is based upon safety considerations related to existing and future shipping through the channel.

Nutrient issues are addressed in the EA. Dredging will be scheduled to occur between October 1 and March 31, when waters are colder, more oxygenated, and sun light is at a minimum, and the dredged material will be placed in the confined HMI or Poplar Island sites in order to minimize nutrient releases and to minimize any impacts from nutrient releases. No significant adverse impacts due to nutrient releases are anticipated.

Ray C. Dintaman, Jr., Md. Dept. of Natural Resources

3/17/00 Letter

Comment

Concern for disruption of sport fishing season; request to delay dredging until the period October 1 through March 31.

Response

Initial dredging to straighten the S-Turn and maintenance dredging will be scheduled from October 1 to March 31 to avoid most of the striped bass season.

Wayne T. Gilchrest, U.S. House of Representatives

3/20/00 Letter

Comment

Request for public meeting to address: a) Impact of dredging on living resources in the Bay; b) Impact on watermen's incomes; c) Utility of this project without deepening of C&D Canal; d) Location dredged material will be deposited.

Response

Public information workshop was held April 27, 2000. a) Impacts to living resources are generally expected to be temporary and short-term in nature and are assessed in the text. b) Commercial harvesting of the site is limited in winter. c) The project is needed for safe navigation whether or not the C&D Canal is deepened. d) Dredged material will go to either Poplar Island or Hart-Miller Island.

Dr. Susan B.M. Langley, Md. State Underwater Archeologist

3/22/00 Letter

Comment

Request to allow time for underwater archaeological survey required by law.

Response

Phase I and Phase II archeological investigations have already been performed in the proposed straightening area. Therefore, there no additional work is required. See Section 4.11 of this EA.

Comment

Request for public hearing on new channel dredging.

Response

A public information workshop was held April 27, 2000.

Comment

a) Project could have a dramatic impact on oyster production in this area. b) Request for public cost/benefit hearing on channel straightening.

Response

a) Hydrodynamic modeling indicates only minimal current changes and minimal potential for impacts on Hodges Oyster Bar (Section 4.1.5.4). b) Public information workshop was held April 27, 2000. The project is required for navigation safety and is not economically justified (the benefit to cost ratio is less than 1:1). However, Congress has directed the Corps of Engineers to straighten the Tolchester S-Turn Channel.

Comment

a) Necessity for coordination of project planning with Region 3; b) Request for 1998 sediment analysis data; c) Area supports significant finfish and shellfish populations and recreational/commercial fishing.

Response

a) The work was coordinated with Region 3 in 1996 and 2000; b) The 1998 sediment data were provided Region 3 and the new sediment analyses were conducted, coordinated with USEPA Region 3, addressed in the EA, and included in Appendix V; c.) Aquatic resource and fishing issues are addressed in Sections 4.4, 5.4, and 5.14.

Linda C. Janey, Md. Office of Planning

4/11/00 Letter

Comment

Summary of comments from state and local agencies, contingencies, attached agency comments.

Response

Acknowledged.

Kent County Commissioners Fithian, Beck, and Newnam

4/18/00 Letter

Comment

Request to change venue of Annapolis public information workshop to Kent County, or add another workshop in Kent County.

Response

The public workshop was held in Annapolis because it was the most central location to all interested parties. A second workshop in Kent County was not deemed necessary.

Richard Novotny, Md. Saltwater Sportfishermen's Association

4/20/00 Letter

Comment

Public meeting date conflict with fishing event; request for delay and earlier notification.

Response

A public information workshop was held April 27, 2000.

Steven J. Webster, NSCSA America, Inc.

4/26/00 Letter

Comment

Expression of support for proposed dredging.

Response

Acknowledged.

Comment

We support the straightening of the Tolchester Channel and widening the Brewerton Channel Eastern Extension. As vessel size has increased, the “S” turn has become more difficult and groundings have resulted. A straightened channel will have many advantages, increasing navigational safety, reducing the potential for maritime accidents and thereby helping to protect the Chesapeake Bay environment. The Brewerton Extension width lies well below Corps criteria for channel design. We consider this an extremely important safety issue and high priority issue.

Response

This EA specifically addresses the safety issues raised in the letter and provides supporting information.

George J. Thomas, Evergreen America Corp., Baltimore Office *4/27/00 Letter*

Comment

Expression of support for proposed dredging; channel improvements will influence choice of homeport.

Response

Acknowledged.

Lawrence Thomas, Maryland and Upper Bay Charter Boat Assoc. 4/27/00 Letter

Comment

Follow-up of previous letter in opposition to proposed dredging. a) Fish come for the bait living at the edges and bottom of the channel; dredging will destroy this habitat; b) Ships used to run aground when the channel cut straight through, so natural channel that was 50-ft deep, hard-bottomed bed of Susky River was adopted, never needed dredging because tidal flow cleaned it; c) Problem of dredge material disposal is because channel is not natural; d) Fewer and fewer big ships are using Upper Bay channels; use is mostly by shallow draft barges and tugs; and fishermen have less use for deeper channels.

Response

a) Dredging will create new channel edges for baitfish. The old channel edges will still be available for bait fish and the old channel will be available for fishing after the project is completed; b) Commercial vessel owners and operators indicate that natural channel is hazardous and support the straightening; c) Maintenance dredging will be necessary but need will be reduced because new configuration will accumulate less material; d) Large ships continue to use these channels and the safety improvements will benefit the tugs and small ships as well as the large ships.

Marty Urlock, Hapag-Lloyd America, Inc.

5/1/00 Letter

Comment

Expression of support for proposed dredging and Site 104 work.

Response

Acknowledged, however, Site 104 is no longer under consideration.

Roberto I. Gutierrez, Footner and Co., Inc.

5/2/00 Letter

Comment

Expression of support for proposed dredging and Site 104 work.

Response

Acknowledged, however, Site 104 is no longer under consideration.

Letter from Harry Hussein, HUAL North America

Letter Undated

Comment

Expression of support for proposed dredging and Site 104 work.

Response

Acknowledged, however, Site 104 is no longer under consideration.

Letter from Phil Sybert, Atlantic Container Line

Letter Undated

Comment

Expression of support for proposed channel improvements; Atlantic Container Line has 52 calls into the Port per year, uses the Canal route when behind schedule, would use it more if it were improved.

Response

Acknowledged.

John P. Wolflin, Chesapeake Bay Field Office, USDI Fish and Wildlife Service

5/5/00 Letter

Comment

Review of biological impacts and future dredging needs, and determination of no further consultation necessary with Fish and Wildlife Service unless plans or regulations change; referral of one endangered species (shortnose sturgeon) in area to jurisdiction of National Marine Fisheries Service.

Response

Biological impacts, dredging needs, and endangered species are addressed in the Environmental Assessment.

Charles F. Hughes, The Vane Brothers Co.

5/5/00 Letter

Comment

Documentation of a recent grounding and expression of support for proposed dredging.

Response

Acknowledged. Grounding actually occurred in the Brewerton Channel Eastern Extension.

Gene Johnson, COSCO North America, Inc.

5/5/00 Letter

Comment

Expression of support for proposed dredging and Site 104 work.

Response

Acknowledged, however, Site 104 is no longer under consideration.

James J. White, Port of Baltimore

5/5/00 Letter

Comment

Expression of support for channel improvements; size of ships is increasing.

Response

Acknowledged.

Letter from Capt. E. Lorenzo Di Casagrande, Mediterranean Shipping Co. USA, Inc.
Letter Undated

Comment

Expression of support for proposed dredging.

Response

Acknowledged.

Comment

a) Expression of disappointment that a workshop, not public hearing, was held, and that, after filing substantive comments, he was not on the notification list; b) Adverse environmental impact and inadequate economic and safety justifications provide basis to reject proposed dredging projects; c) Review of analysis provided in previous letter.

Response

The District Engineer exercised his option to hold a Public Information Workshop on this issue. The Public Information Workshop provided the same opportunity for the public to provide their comments on the proposed work. The Public Workshop also included a panel, which responded to the public's questions during the workshop. The Public Hearing process does not provide for responding to the public during the Public Hearing. Further explanation of the process is included in the Transcripts in Appendix VI. Notice of the Workshop was released through typical media. Environmental, economic, and safety issues are addressed in the Environmental Assessment.

Comment

Concerns regarding proposed channel expansion: a) Plan needed for disposal of total dredged material, including future channel maintenance dredging; b) Studies may be needed to assess potential adverse environmental impact of nutrient release by construction activity; c) Changing channel velocities may change sedimentation patterns on oyster beds and other habitat, d) Wave energy studies may be needed to assess shore erosion due to increased ship speeds and thus larger wakes.

Response

a) MPA has provided existing sites for this action. Both of these sites have already been approved for placement. The State's Dredging Needs and Placement Options Program and the District's Dredged Material Management Plan and the District is working with the State and other resource agencies and public interest groups to identify additional dredged material placement areas. b) Nutrient releases have been evaluated in text, and additional information has been provided in Section 5.3 Water Quality. c) Modeling of velocities indicates minimal changes to Hodges Bar. d) AMP has indicated that ship speeds will not increase.

Comment

It is not anticipated that there will be increased vessel speeds as a result of the straightening project.

The result of the proposed project shifts the channel westward potentially reducing the wake caused by a ship's proximity to shallow water as well as increasing the area available for the dissipation of waves propagated by a ship's passage at any speed.

It is easier to maintain navigational control when vessels approach straight-on rather than making multiple course alterations in a twisting turn.

Response

This information has been incorporated into the EA for the Tolchester S-Turn straightening project.

6.3 SYNOPSIS OF APRIL 2000 PUBLIC WORKSHOP COMMENTS

Mr. Bud Nixon, President of Rukert's Terminals

Comment

In support of the project and thinks it can be done in an environmentally friendly method. Most of the material is virgin. Ships are getting larger and the larger channels are needed for the economic health of the Port.

Response

Acknowledged.

Mr. William J. Detweiler, Regional Director of the Carriers Container Council, Inc.

Comment

In support of the project. Ships are getting larger; channels need to be deeper. S-Turn is becoming increasingly hazardous to navigators. Pilots continue to report near-misses and mishaps in the area.

Response

Acknowledged.

Mr. Charles Hughes, Vane Brothers Company

Comment

In support of the project. We must be very careful with ships carrying cargo such as petroleum products. Described a grounding of an oil tanker in the Brewerton Channel Eastern Extension on April 19, 2000. The cargo had to be lightered (cargo was transferred to another barge) in order to move the ship. Disaster was averted but it is a chronic problem.

Response

Acknowledged.

Ms. Beauregard, private citizen

Comment

In general support of USACE projects to protect from erosion and had general questions about the internal structure and budget of the Corps.

Response

Acknowledged.

Charles Schaller, Attorney representing Commissioners of Queen Anne's County

Comment

Commissioners support dredging and navigation safety in the Bay. Is material going to Poplar Island or HMI? Follow Up question: Has the Corps done a TCLP analysis of the material? Is the material being tested pursuant to the Inland Testing Manual. The record should remain open until the results are available and can be reviewed by the public.

Response

Poplar Island is the preferred dredged material placement alternative. The material was tested pursuant to the Inland Testing Manual. A TCLP analysis is not required and was not performed. Testing was ongoing at the time of the hearing. Test results for the proposed straightening are presented in the EA.

Ms. Helen Bentley, Citizen and lobbyist

Comment

In favor of project. Reiterated the oil tanker grounding and the continued concerns of the Maryland Pilots.

Response

Acknowledged.

Cathleen Bramble, Owner of Tolchester Marina

Comment

Concerned about erosion and safety. Boat wakes come across beach and property. In one instance a child was drowned when pulled from shore by a boat wake. Ship's wakes have caused damage and deposited large debris. Concerned that straightening will allow ships to move faster and increase potential danger to those in marina and using beach.

Response

The District, USCG, MPA, and AMP are concerned with safety. Child safety and boat wakes have been addressed in the EA. The Association of Maryland Pilots advised pilots to take additional precautions when transiting the area and indicates that ship speeds will not increase. In addition, the new channel section will be farther from shore, which will allow more time/distance for wave dissipation.

Ms. Kim Coble, Senior Scientist, Chesapeake Bay Foundation (CBF)

Comment

The dredged material being generated from the project is being taken to Poplar Island, which may shorten the life and make projects like Site 104 more necessary. Decision on this action shouldn't be made until Site 104 decision is made. Also concerned about the nitrogen and phosphorus releases of such a project in the summer and fall and the cumulative impacts of this project with other nutrient loadings in the Bay. CBF requests that public hearing be held on the matter.

Response

Gov. Glendening withdrew Site 104 from consideration in June 2000. Nutrient releases and cumulative impact information are addressed in the Environmental Assessment. When the public requests a public hearing, the District Engineer has several options, including holding a public workshop. He chose the option to have a public workshop in this case and the

appropriate public notices were released. A court recorder entered all comments presented at the workshop into the record and all comments were considered.

Captain Joseph Smith, Second Vice President of the Maryland Pilots Association

Comment

Read a letter from Captain Mike Watson. In support of Project due to Pilots' concerns over navigation safety in the Bay. The S-Turn originally followed the natural channel to minimize dredging, but as ship sizes have increased, groundings have occurred. Straightening will decrease potential for environmental disasters that could result from groundings.

Response

Acknowledged.

6.4 COMMENTS RECEIVED ON THE DRAFT EA (10/2000 through 4/2001)

Linda C. Janey, Maryland Department of Planning

Comment

Letter acknowledging receipt of the Draft EA and initiation of the Maryland Intergovernmental Review Process. Includes a list of state and local agencies to which DEA was sent.

Response

Acknowledged

Christopher Polglase, R.. Christopher Goodwin and Associates

Comment

Provided documents (requested by the Baltimore District) for two studies that included the cultural and archaeological investigations of the Tolchester area as part of the C&D Deepening studies. These included the reconnaissance and Phase I investigations of the Tolchester area. Noted that Phase II investigations were completed by Tidewater Atlantic Research.

Response

Acknowledged

Samuel L. McSorley, Consultant

Comment

Lives near project, just north of Tolchester marina. Approves of project if it improves safety of shipping in area. Asked to be added to COE mailing list for future notices about the Tolchester area.

Response

Acknowledged

Captain Herbert Groh, former Bay pilot and now a Maritime Safety Auditor

Comment

Mr. Groh considers the Tolchester Channel to be the most dangerous meeting and passing area in the 12,000 miles of annual vessel check rides due to speed and course changes, and possibility of groundings. Supports project. Included list of all area surveyed during check rides.

Response

Acknowledged

Janet Dinsmore

Comment

Lives on Mitchell Bluff, near project. Most traffic observed are tugs and barges. Questions the need for a new channel in the Chesapeake Bay and is unaware of any accidents in S-Turn. Asks that Corps provide statistics on accidents (which were not included in the article that she read). Feels that Pilots are capable of negotiating the current turn without incident. Feels that the Corps needs to provide further evidence for the need for a new deepwater channel.

Response

While tugs and barge make up a large percentage of the vessels using the channel, large ships continue to use the channel, and large ships, as well as smaller ships, tugs and barges will benefit from the straightened channel. The incident and accident statistics were included in the EA. The USCG, Association of Maryland Pilots as well as individual pilots concur with the navigation safety assessments made by the Corps regarding the problems with vessel safety in the area and continue to express the need for straightening the channel to improve navigation safety. Congress has expressed its support of the navigation safety issues by directing the Secretary of the Army to straighten the S-Turn.

Franklin C. Clark

Comment

Is concerned that new channel in the Bay will damage the ecosystem. Does not believe that there is any problem negotiating the S-Turn. Does not feel that the action is justified in light of the potential impacts to the Bay.

Response

The USCG, Association of Maryland Pilots, as well as individual pilots concur with the navigation safety assessments made by the Corps regarding the problems with vessel safety in the area and continue to express the need for straightening the channel to improve navigation safety. Congress has expressed its support of the navigation safety issues by directing the Secretary of the Army to straighten the S-Turn. Potential environmental impacts have been assessed in the EA and (under the guidelines of the National Environmental Policy Act) have been judged to not be significant mainly because the proposed Action is short-term and affects a very small area.

Ray C. Dintaman, Maryland Department of Natural Resources (DNR)

Comment

1. The DNR has previously requested that the dredging window be limited to the period 1 October to 31 March to be protective of striped bass spawning. Spawning has been documented as early as 3 April in the Upper Bay and the Tolchester Channel may be a migratory route.
2. Please expand the explanation of Congressional mandate in Section 1.
3. How much further will the proposed project be from the existing channel? Will the Corps monitor the shoreline for erosion?
4. Is there a reason that the material from the current project must be covered within the Poplar Island upland cells and is there any reason that it could not be used in a wetlands cell?

Response

1. Although the Tolchester Beach area lies south of the legislated critical striped bass spawning area in the Upper Bay, the Corps agrees to schedule dredging activities between October 1 and March 31.
2. The section has been expanded to include the congressional mandates under the Water Resources and Development Acts (WRDA) of 1996 and 1999.
3. Parts of the channel will be up to approximately 1/2 mile farther from shore. This information has been added to the appropriate places within the document.
4. The statements regarding placement within the cells were only to give an indication of where the materials would be placed. The material is appropriate for wetland cell placement.

Theresa Pierno and Jennifer Aiosa, Chesapeake Bay Foundation

1. Corps must conduct a comprehensive dredged material management study which includes all of the dredging projects proposed in light of current capacity.
2. Disposal capacity must be secured prior to commencement of work.
3. Corps must cumulatively assess direct and indirect impacts of dredging and disposal on Bay resources. Cumulative nutrient and blue crab impacts are of particular concern. Corps is urged to do a meaningful impact assessment on sediment quality since sediments appear to be unsuitable for open water placement.
4. Corps must address the impacts of waves and wakes to shore erosion.

Response

1. The District recognizes the need for a Dredged Material Management Plan (DMMP). The preliminary assessment has been drafted and is scheduled for completion in May 2001.
2. The Tolchester Straightening has been included in the State's strategic plan for Dredged Material Management since it was first developed and the State's DNPOP program continues to secure placement options to meet the placement needs.
3. Cumulative impacts have been assessed to the extent possible with the most up-to-date regional crab, nutrient, and sediment quality information. The sediment test results do not indicate that the material would be unsuitable for open water placement.
4. The ships are not anticipated to increase vessel speeds in the area so no increased wave action is anticipated. In addition, the new channel will be farther from the shore, which should help dissipate wave energy from the passing vessels.

John M. Williams (letter to Mark Mendelsohn)

Comment

Requested a copy of the Hart Miller Island well monitoring report.

Response

Document sent on December 13, 2000.

John M. Williams (letter to Colonel Fiala)

Comment

Does not believe there is sufficient basis for FONSI and requests that Colonel withholds approval. Specific reasons:

- A. USACE guidelines state that a DMMP or a preliminary assessment is required which demonstrates that there is sufficient capacity for 20 years. This does not exist.

- B. Cumulative impacts have not been addressed. Specifically, the irretrievable use of 3 mcy of placement capacity and the economic impacts to the Port if maintenance dredging cannot occur.
- 1. Schedule in Draft EA and the October version of the Strategic Plan do not have the same implementation schedule for project.
- 2. The proposed design calls for 2 feet of overdepth dredging but the C&D deepening only calls for one.
- 3. HQUSACE found insufficient safety justification for the project.
- 4. The report seems to indicate that there would only be minimal current changes (0.1 fps) although the modeling results indicate a higher number (<0.21 fps) , which is not insignificant.
- 5. The hydrodynamic modeling is only 2 dimensional and should be 3 dimensional. Half of the pages are missing.
- 6. Port of Baltimore commerce trends are selectively reported and incorrectly interpreted. There is no basis for the 7-year period selected and the 20-year trend shows a 20% decline.
- 7. Draft EA does not evaluate the potential impact that the additional dredging of the S-Turn area for the C&D Canal deepening will have on the underlying aquifer.
- 8. DEA did not address the potential adverse effects of oxidized sediments potentially increasing the amount of metals in the groundwater under Poplar Island.

Response

- A. The District recognizes the need for a Dredged Material Management Plan (DMMP) under COE *guidelines*. The preliminary assessment has been drafted and is scheduled for completion in May 2001.
- B. The loss of capacity was called out in the irretrievable commitment of resources section (5.18) and is not expected to constitute a significant cumulative impact. The proposed action has been planned for under the State's Strategic Plan since 1996.
- 1. The Draft EA was finalized for release after the October 2000 version of the State's Strategic Plan was drafted. In finalizing the Draft EA for release it became apparent that there was not enough time to receive and respond to comments and still complete the project within the environmental window imposed by DNR. Therefore, the project was postponed until the 2001-2002 dredging season.
- 2. Two feet of allowable overdepth is considered reasonable and appropriate to account for the inaccuracies in the dredging process given the facts that the material will be dredged with a clamshell dredge and there is in excess of a one-foot tidal difference in the area.
- 3. The insufficient justification is incorrectly interpreted and stated. HQUSACE believed it did not have the authority to approve this amount of work using Operations and Maintenance, General Funds at that time, and suggested that the work be studied and performed under another authority. The WRDA of 1999 subsequently provided the authority to perform the work using O&M funds (Section 1.2). HQUSACE concurs with straightening the S-Turn in the interest of safety.

4. The referenced text (of <0.1 fps) refers to sections that were describing changes in currents over Hodges Bar only. In some other areas changes of up to 0.21 fps resulted from the modeling. However, these were predominantly isolated to the existing channel and the researchers do not consider these significant for the area.
5. The 2-D modeling is considered adequate for the study. A complete copy of Appendix VII was sent to Mr. Williams and is included in the final EA.
6. The commerce trends reported were for those available for the last decade, which was considered the most important period for understanding the current need. The trend over the last ten years shows a four percent increase in tonnage for the Port.
7. Dr. Williams has misquoted the report. It does not state that “a 7 ft. thick layer of ‘plastic clay’ would remain after dredging.” Instead, it states that ‘**at least** 7 feet of the plastic clay’ would remain after dredging—based on the boreholes drilled for the investigation. Unfortunately, those boreholes were terminated at -46 MLLW. The report goes on to state that geologic literature shows that the bay bottom and the aquifer are separated by up to 180 feet of paleochannel deposit. We have geological evidence to believe that most of the paleochannel fill would be tight be silts and clays, typical of estuarine deposition—especially in the shallower portions of the paleochannel. To imply that the proposed dredged channel bottom is only 7 feet from the Magothy Aquifer is simply not correct.

Dr. Williams goes on to state that the dredging “could exacerbate the decline in regional groundwater elevations.” There is no scientific rationale to support this statement. If it were possible to remove the 180 feet of paleochannel deposits and expose the Magothy aquifer directly to the waters of the bay, the regional groundwater levels would probably rise, due to the higher hydraulic conductivities in the aquifer material vs. the paleochannel materials.

8. The report states that the saltwater intrusion into the Aquia aquifer is caused by over-pumpage (that is, pumping in excess of recharge). The areas where saltwater is entering the aquifer are necessarily close to the wells that are doing the excessive pumping. In areas where there are no wells, there is no saltwater intrusion. In fact, the natural groundwater flow direction around the shore and below the Bay is vertically up (from the aquifer into the bay). Since there are no pumping wells in the vicinity of Poplar Island, it is inaccurate to state that heavy metal release into groundwater “will” occur. Even if there were a pumping well nearby, only minute amounts of water would enter the aquifer. Studies have shown that the typical groundwater velocity in consolidated dredge material is on the order of one foot per 100 years. Section 3.3.2 cites many studies of both water quality and biota around HMI that indicate the transport of heavy metals into the environment is simply not occurring.

J. Rodney Little

Comment

Reiterating request for a Phase I investigation. Review of Draft EA suggests that no submerged cultural resources investigations occurred. A review of the briefing documents that are on file for the area reveal that no investigations were done. Not in compliance with Section 106 of NHPA.

Response

Results of the Phase I and II archaeological reports for the area were obtained from R. Christopher Goodwin & Associates, Inc. and Tidewater Atlantic Research, Inc. and forwarded to the SHPO to demonstrate compliance with NHPA.

John Wolflin, US Fish and Wildlife Service

Comment

No further comments. No objection to the project.

Response

Acknowledged

Stanley Laskowski, U.S. EPA

Comment

Generally concur with the findings. Concur that turbidity will be short-term and that a <0.1 fps change in velocity over oyster bar will not significantly impact sedimentation. Satisfied that the EA addresses wake concerns. Encourage the Corps to participate with EPA in finding ways to mitigate nutrient loadings projected from dewatering activities.

Response

Acknowledged. The Corps has and continues to consult with EPA on ways to minimize nutrient inputs.

Cecelia Donovan, Maryland Environmental Service

Comment

Provided final version of HMI Well Evaluation report and noted that final version should be cited in the Final EA.

Response

Acknowledged

Patricia Kurkul, NMFS

Comment

Mechanical dredging of the project will be of limited risk to SNS. If hydraulic dredging is used, NMFS will need additional time and information to determine the potential effects to SNS. In process of reviewing the SNS field investigations and the Interim BA submitted to NMFS. A separate response will be submitted when the review is complete. Contents of the Essential Fish Habitat Section are satisfactory. Recommend that dredging proceed from south to north so that the activities near Hodges Bar are completed before the winter quiescence (December 15 to March 31). Soft-shell clams should not be affected by this project.

Response

The dredging will be performed by a mechanical (clamshell) dredge. The COE will continue to consult with NMFS on SNS for this and other projects. Dredging will be scheduled to proceed from south to north.

Dr. Susan B.M. Langley, Md. State Underwater Archeologist *4/5/01 Letter*

Comment

Per conversations with MHT staff, reports forwarded by the Baltimore District COE, and conversations with the Philadelphia District COE and the cultural resources contractors that performed the studies, it has been determined that all archeology required for this project has been performed. The project will have no effect on historical properties that are eligible for the National Register of Historic Places.

Response

Acknowledged.